IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE
: PRESENT :
THE HON'BLE MR. JUSTICE : **M.VENKATESWARA REDDY**

CRIMINAL PETITION NO. 4883 OF 2005

Between:
G.Venkataiah Goud.

Petitioner\(Accused No.2)

AND

The State of A.P., through P&EI, SHO, Mahabubnagar, Mahabubnagar District, rep. by Public Prosecutor, High Court of A.P., Hyderabad.

Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the Memorandum of grounds filed there with, the High Court will pleased to enlarge the petitioner on bail in the event of his arrest by the Proh. & Excise Inspector, SHO, Mahbubnagar, Mahabubnagar District in Crime No.233\2005-06, dt.15-7-2005 on such terms and conditions as this Hon`ble Court may deems fit and proper in the interest of justice.

This petition coming on for hearing upon pursuing the memorandum of the grounds filed therein in support thereof, and upon hearing the arguments of Mr. Amarnath Goud Thodupunuri, Advocate for the petitioner and Public Prosecutor on behalf of the Respondent.

The Court made the following :

ORDER:

"**It is alleged that A-1 was found in possession of 30 ltrs of toddy suspected to be adulterated with chloral hydrate and diazepam.**

In excise matters, in almost all cases, on the basis of confessional statement of a person who is found to have been in possession of ID liquor or otherwise, the other accused are being added. When it is alleged that the other person has some role, the Excise Police are bound to investigate into his role, but they cannot satisfy themselves by saying that so and so confessed the involvement of the other accused.

In the present case, the allegation is that the petitioner supplied the toddy. In such a case, the petitioner must be an adept in preparing the illicit toddy. The Excise Police should have made investigation in that direction as he would have been indulging in the preparation of the illicit toddy.

The learned Public Prosecutor is directed to inform the progress of investigation so far made in that direction.

Post on 16-11-2005."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The 1st Addl. Sessions Judge at Mahabubnagar.
2. The Station House Officer, Proh. & Excise Inspector, Mahabubnagar, Mahabubnagar District.
3. Two CCS to Public Prosecutor, High Court of A.P., Hyderabad. (OUT).
4. One Spare Copy

MVJ.

HIGH COURT

MVR, J

DATED: 9-11-2005

NOTE: POST ON 16-11-2005

ORDER

CRL.P.NO.4883 OF 2005

DIRECTION

HIGH COURT

MVJ
DRAFTED ON: 11-11-2005

MVR, J

DATED: 9-11-2005

NOTE: POST ON 16-11-2005

ORDER

CRL.P.NO.4883 OF 2005

DIRECTION